

**COMMISSION ON TECHNOLOGY
e-COURT SUBCOMMITTEE
MEETING SUMMARY**

May 15, 2008
9:30 a.m. – 11:30 a.m.

Conference Call 602-452-3193 ID 1112#

MEMBERS PRESENT

Andrew Hurwitz, *Chair*
Diane Drain, *State Bar*
Karl Heckart, *AOC*
Donald Jacobson, *Court Administrators*
Michael Jeanes, *Clerks*
Sheri Newman, *Clerks*

MEMBERS ABSENT

Robert Brutinel, *General Jurisdiction*
Dennis Lusk, *Limited Jurisdiction*

GUESTS

Rich McHattie, *Maricopa COSC*

AOC STAFF

Stewart Bruner, *ITD*

WELCOME AND INTRODUCTIONS

Justice Hurwitz welcomed members to the call at 9:40 a.m. and took a roll call of those on the phone and assembled in the room. He stated that the focus of the meeting would be on discussing a potential change in the direction of statewide e-filing that will likely be presented at the June 5 & 6 Commission on Technology (COT) meeting. Other topics would be entertained if remaining time allowed.

STATEWIDE E-FILING DIRECTION

Justice Hurwitz provided some background on Clerk Michael Jeanes' continuing efforts to prove out the multi-vendor model at the Superior Court in Maricopa County and reflected on the relative speed of statewide adoption of e-filing as discussed at the recent Supreme Court strategic retreat.

Karl Heckart presented a series of slides that framed the current situation with e-filing in the state. He expressed concern that not making a definitive decision soon would preclude the feasibility of any cohesive approach statewide. Karl showed statistics related to case filings by type and level of court, comparing volumes in Maricopa and Pima to the remaining counties. He detailed the various functions that fall under the larger umbrella of e-filing, describing each in a single-vendor and a multi-vendor environment. He also reviewed the advantages and disadvantages of taking various approaches to e-filing. He highlighted potential issues with management of vendors, support for users, and coordinating service of process.

Karl suggested a "Service Arizona" model in which the state would own the filing mechanism but contract with a vendor to construct and operate it. The focus of the model is maximum flexibility with the fastest time to market. He suggested the division of

responsibilities between a contracted vendor and the state, acknowledging that the vendor could potentially subcontract with specialists in the various functional areas. The biggest technical challenge would come from the need to perform intelligent multi-routing -- vendor systems seem to be constructed for a single court rather than for enterprise use. Requiring a standards-based interface to the system would preclude the state from being locked to a particular vendor and could potentially enable multiple vendors to become involved at a later date.

Based on the approach he described, Karl shared core requirements of a potential RFP, including

- Free criminal and indigent filing;
- AOC ownership of the filing manager software, the CMS, the EDMS, and the access mechanism to filings;
- Vendor responsibility for preparation of forms and filings as well as for performing all party validations;
- Ideally, a 3-year contract term;
- Priority of case types and levels of court to be implemented; and
- Use of “state-approved” forms for general and limited jurisdiction filings.

Discussion ensued about funding strategies and policy issues that would need to be decided prior to release of an RFP, as well as the next steps should that path be selected.

Members expressed concern about slowing the progress that the Maricopa Clerk’s Office has been making on their e-filing effort, the chilling effect of a single-vendor RFP at the state level on the current multi-vendor effort even if COT allows it to continue, what would become of the e-citation efforts underway in a vendor-based filing model, what happens if no contract is ultimately awarded, and the practical impact on State Bar members.

Members also discussed potential differences between the needs of rural clerks and the needs of metropolitan clerks. The decision about what direction to give current pilots will be left to COT. Discussion about the impact and volume of Maricopa’s free filing service and the philosophical dilemma of operating two separate filing mechanisms within the same court ensued; again, nothing will change until a definition decision is made at COT.

The potential timing of mandated e-filing in Maricopa Superior Court was also discussed. Michael reminded members that the State Bar Board of Governors has unanimously supported the concept. It is also supported by the Maricopa County Bar. Michael estimated that his office could complete the necessary background tasks for supporting mandatory e-filing into existing cases by late spring 2009, should the Chief so order.

Since increasing volume for Maricopa’s current vendor seemed to be the driving issue, a compromise of merely mandating that all benches accept e-filed documents was suggested – the logistics behind such an order were discussed in detail. Justice Hurwitz stated that the Rule 3.2 requirement to file paper would be removed, as well.

Karl and Stewart will brief Patti Noland on the discussion prior to COT, since she is both president of the Clerk’s Association and preparing to implement her own multi-vendor e-filing. Stewart will distribute the proposed change to Principle 1 to members following the conclusion of today’s meeting.

After verifying that subcommittee members had no further business to discuss, Justice Hurwitz adjourned the meeting at 11:15 a.m.